HON'BLE Dr. JUSTICE G. YETHIRAJULU

W.P.No. 6529 of 2001

DATED: 26-12-2007

Between:

1. **C. Raghava Reddy**

……. Petitioner

and

1. **The Superintending Engineer,**
   Irrigation & Command Area Development Department,
   Irrigation Circle, Nizamabad and another.

……. Respondents

THE HON'BE Dr. JUSTICE G. YETHIRAJULU

W.P.No. 6529 of 2001

ORDER:

The writ petition is filed by the petitioner seeking to declare the action of the respondents in withholding a sum of Rs.3,57,000/- payable to him relating to the successful execution of the two works as illegal and arbitrary.

The petitioner is a Contractor. He was initially entrusted with two works. At the time of entrustment of works, he made the EMD and security deposit. He has successfully completed the works and he is entitled for the refund of the EMD. Subsequently, he was entrusted with third work and the said work is pending. As the petitioner could not complete it, the work was entrusted to the third party and it was also completed. On account of non-execution of the third work by the petitioner, the respondents stopped the EMD in the first two works.

The learned counsel for the petitioner contended that there is a separate security deposit in respect of the third work and since the first two works are distinct from the third work, the respondents are not supposed to withhold the security deposit, therefore, the petitioner is entitled to get the amount refunded.

There is no representation for the respondents.

In the light of the submissions made by the petitioner's counsel, respondents are directed to examine whether there are any works due to be executed in respect of the first works and in the event of closing the accounts of the first works, they are directed to refund the EMD and security deposit relating to those works to the petitioner within two months from the date of this order. If any work accounts relating to the first works are not settled, necessary information may be sent to the petitioner for the settlement of those accounts.

Accordingly, the Writ Petition is disposed of. No order as to costs.

Dr.G. YETHIRAJULU, J

Date:26-12-2007
YCR